

**REMARKS**

Applicant respectfully requests reconsideration of the above-identified patent application based upon the foregoing amendments and the following remarks.

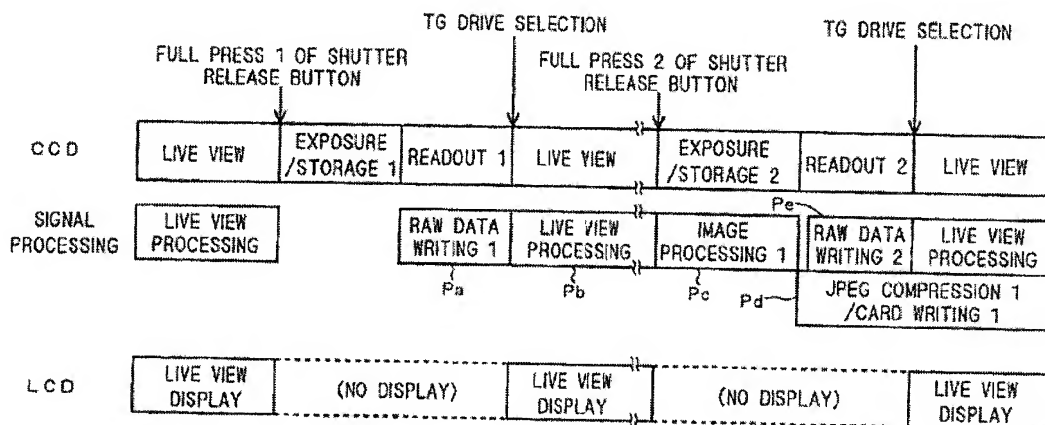
Claims 1–15 are pending. The February 26, 2007 non-final Office Action rejected claims 1, 2, 3, 8–11, and 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,963,374 to Nakamura et al. (“Nakamura et al.”). The Feb. 26 Office Action also rejected claims 4, 5, 7, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of U.S. Patent No. 6,967,680 to Kagle et al. (“Kagle et al.”). The Feb. 26 Office Action also rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of U.S. Patent No. 6,137,534 to Anderson (“Anderson”). The Feb. 26 Office Action also rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of U.S. Patent Application Publication No. 2002/0033887 listing inventors Hieda et al. (“Hieda et al.”).

By this paper, independent claim 1 is amended to include the limitation “an image processing device which performs image processing for the image data obtained by said image sensing device.” Claim 1 is also amended to include the limitation that the control device of the claimed image sensing apparatus “causes said image processing device to process the image data obtained by previous image sensing operation in accordance with start of reading the image data from the image sensing element.” Similarly, independent claim 2 is amended to include the limitation that the control device of the image sensing apparatus “causes said image processing device to process the first image data obtained by previous image sensing operation in accordance with start of reading the image data from the image sensing element.” Some additional amendments are made to claim 2 to make the rest of the claim conform with newly-

added limitation. Similarly, independent claim 11 is amended to include the limitation that the control device of the claimed image sensing operation “causes said image processing device to process the image data obtained by previous image sensing operation in accordance with start of reading the image data from the image sensing element.” Support for these amendments can be found throughout the originally-filed disclosure, including for example at pages 16–18 of the specification and Fig. 5B of the drawings. No new matter will be entered to the disclosure of this application by entry of these amendments.

As mentioned above, the Feb. 26 Office Action rejected claims 1, 2, 3, 8–11, and 13 under 35 U.S.C. § 102(e) as being anticipated by Nakamura et al. Applicant respectfully traverses this rejection. In the device disclosed by Nakamura et al., processing of the image data obtained by the previous image sensing operation does not occur “in accordance with start of reading of the image data from the image sensing element,” as is now required by independent claims 1, 2, and 11. Fig. 8 in Nakamura et al. shows the sequence of operations in the digital camera disclosed by Nakamura et al.

*FIG. 8*



As can be seen from Fig. 8, in the device disclosed in Nakamura et al., the processing of data from the first shutter release occurs during the time period  $P_C$ , which corresponds to the exposure/storage stage for the second shutter release. The processing of data from the first shutter release **does not** occur in accordance with start of reading the image data corresponding to the second shutter release, which does not occur until the exposure/storage operation is completed.

Because the device disclosed by Nakamura et al. does not disclose every limitation in claims 1, 2, and 11, Nakamura et al. cannot anticipate these claims. Nakamura et al. also cannot anticipate dependent claims 3, 8–10 and 13 for at least the same reasons that it cannot anticipate independent claims 1, 2, and 11. Therefore, Applicant respectfully requests withdrawal of the § 102(e) rejection of claims 1–3, 8–11 and 13.

As mentioned above, the Feb. 26 Office Action also (1) rejected claims 4, 5, 7, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view Kagle et al., (2) rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of Anderson and (3) rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of Hieda et al. Applicant respectfully traverses these rejections. The Office Action references Kagle et al., Anderson, and Nakamura et al. because they allegedly disclose features that are recited in particular dependent claims. These references do not cure the deficiency in the disclosure of Nakamura et al. with respect to the newly added limitations to independent claims 1, 2 and 11. Therefore, no combination of Nakamura et al. with any one of Kagle et al., Anderson, and Hieda et al. results in an image sensing apparatus that meets each one of the limitations in any one of independent claims 1, 2 and 11, as amended by this paper. As such, independent claims 2 and 11 are not obvious over these references. Because of each of

claims 4–7, 12 and 14 depends from one of claims 1, 2 and 11, dependent claims 4–7, 12 and 14 are nonobvious for at least the same reasons that independent claims 1, 2 and 11 are nonobvious. Therefore, Applicant respectfully requests withdrawal of the § 103(a) rejections of claims 4–7, 12 and 14.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind the references cited by the Office Action, or to otherwise submit evidence to traverse the rejection at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the dependent claims on the merits. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

### **AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-5191.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-5191.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

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By: /Ankur Parekh/  
Ankur P. Parekh  
Registration No. 56,060

Correspondence Address:

Address Associated With Customer Number:  
27123

(212) 415-8700 Telephone  
(212) 415-8701 Facsimile